

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 972

Introduced by Utter, 33.

Read first time January 19, 2010

Committee: Revenue

A BILL

1 FOR AN ACT relating to budgets; to amend sections 23-909
2 and 79-1085, Reissue Revised Statutes of Nebraska,
3 sections 13-508, 79-1084, and 79-1086, Revised Statutes
4 Supplement, 2009, and section 79-1023, Revised Statutes
5 Supplement, 2009, as amended by section 11, Legislative
6 Bill 5, One Hundred First Legislature, First Special
7 Session, 2009; to change a date related to certain budget
8 filings as prescribed; to harmonize provisions; and to
9 repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-508, Revised Statutes Supplement,
2 2009, is amended to read:

3 13-508 (1) After publication and hearing thereon and
4 within the time prescribed by law, each governing body, except as
5 provided in subsection (3) of this section, shall file with and
6 certify to the levying board or boards on or before September ~~20~~
7 30 of each year and file with the auditor a copy of the adopted
8 budget statement which complies with sections 13-518 to 13-522 or
9 79-1023 to 79-1030, together with the amount of the tax required
10 to fund the adopted budget, setting out separately (a) the amount
11 to be levied for the payment of principal or interest on bonds
12 issued by the governing body and (b) the amount to be levied
13 for all other purposes. Proof of publication shall be attached
14 to the statements. Learning communities shall also file a copy of
15 such adopted budget statement with member school districts on or
16 before September 1 of each year. The governing body, in certifying
17 the amount required, may make allowance for delinquent taxes not
18 exceeding five percent of the amount required plus the actual
19 percentage of delinquent taxes for the preceding tax year and for
20 the amount of estimated tax loss from any pending or anticipated
21 litigation which involves taxation and in which tax collections
22 have been or can be withheld or escrowed by court order. For
23 purposes of this section, anticipated litigation shall be limited
24 to the anticipation of an action being filed by a taxpayer who or
25 which filed a similar action for the preceding year which is still

1 pending. Except for such allowances, a governing body shall not
2 certify an amount of tax more than one percent greater or lesser
3 than the amount determined under section 13-505.

4 (2) Each governing body shall use the certified taxable
5 values as provided by the county assessor pursuant to section
6 13-509 for the current year in setting or certifying the levy. Each
7 governing body may designate one of its members to perform any duty
8 or responsibility required of such body by this section.

9 (3) (a) A Class I school district shall do the filing
10 and certification required by subsection (1) of this section on or
11 before August 1 of each year.

12 (b) A learning community shall do such filing and
13 certification on or before September 1 of each year.

14 Sec. 2. Section 23-909, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 23-909 On or before September ~~20~~ 30 of each year, the
17 county board shall adopt the budget and appropriate the several
18 amounts specified in the budget for the several departments,
19 offices, activities, and funds of the county for the period to
20 which the budget applies as provided hereinbefore.

21 Sec. 3. Section 79-1023, Revised Statutes Supplement,
22 2009, as amended by section 11, Legislative Bill 5, One Hundred
23 First Legislature, First Special Session, 2009, is amended to read:

24 79-1023 (1) On or before June 1, 2009, on or before March
25 1, 2010, and on or before February 1 of each year thereafter,

1 the department shall determine and certify to each school district
2 the maximum general fund budget of expenditures minus the special
3 education budget of expenditures for the immediately following
4 school fiscal year.

5 (2) Except as provided in section 79-1028.01, no
6 school district shall have a general fund budget of expenditures
7 minus special grant funds and the special education budget of
8 expenditures more than the greater of (a) the product of the
9 difference of the general fund budget of expenditures minus special
10 grant funds and the special education budget of expenditures
11 for the immediately preceding school fiscal year multiplied by
12 (i) except as otherwise provided in subdivision (a)(ii) of this
13 subsection, the sum of one plus the local system's applicable
14 allowable growth rate or (ii) for school fiscal year 2010-11, the
15 sum of one plus seventy-five hundredths of one percent plus the
16 local system's applicable allowable growth rate or (b) (i) except as
17 otherwise provided in subdivision (b)(ii) of this subsection, the
18 difference of one hundred twenty percent of formula need for such
19 school fiscal year minus the product of the sum of one plus the
20 basic allowable growth rate for such school fiscal year multiplied
21 by the special education budget of expenditures as filed on the
22 school district budget statement on or before September ~~20~~ 30 for
23 the immediately preceding school fiscal year or (ii) for school
24 fiscal years 2009-10 and 2010-11, the difference of one hundred
25 sixteen and fifteen-hundredths percent of formula need for such

1 school fiscal year minus the product of the sum of one plus the
2 basic allowable growth rate for such school fiscal year multiplied
3 by the special education budget of expenditures as filed on the
4 school district budget statement on or before September ~~20~~ 30 for
5 the immediately preceding school fiscal year.

6 Sec. 4. Section 79-1084, Revised Statutes Supplement,
7 2009, is amended to read:

8 79-1084 The school board of a Class III school district
9 shall annually, on or before September ~~20~~, 30, report in writing to
10 the county board and the learning community coordinating council if
11 the school district is a member of a learning community the entire
12 revenue raised by taxation and all other sources and received
13 by the school board for the previous school fiscal year and a
14 budget for the ensuing school fiscal year broken down generally as
15 follows: (1) The amount of funds required for the support of the
16 schools during the ensuing school fiscal year; (2) the amount of
17 funds required for the purchase of school sites; (3) the amount
18 of funds required for the erection of school buildings; (4) the
19 amount of funds required for the payment of interest upon all
20 bonds issued for school purposes; and (5) the amount of funds
21 required for the creation of a sinking fund for the payment of such
22 indebtedness. The secretary shall publish, within ten days after
23 the filing of such budget, a copy of the fund summary pages of the
24 budget one time at the legal rate prescribed for the publication
25 of legal notices in a legal newspaper published in and of general

1 circulation in such city or village or, if none is published in
2 such city or village, in a legal newspaper of general circulation
3 in the city or village. The secretary of the school board failing
4 or neglecting to comply with this section shall be deemed guilty
5 of a Class V misdemeanor and, in the discretion of the court, the
6 judgment of conviction may provide for the removal from office of
7 such secretary for such failure or neglect. For Class III school
8 districts that are not members of a learning community, the county
9 board shall levy and collect such taxes as are necessary to provide
10 the amount of revenue from property taxes as indicated by all the
11 data contained in the budget and the certificate prescribed by this
12 section, at the time and in the manner provided in section 77-1601.

13 Sec. 5. Section 79-1085, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-1085 The board of education of a Class IV school
16 district, on or before September ~~20~~ 30 of each year, shall make
17 or cause to be made and report to the county board an estimate
18 of the amount of funds required for the fiscal year next ensuing:
19 (1) For the payment of interest on bonds issued by the district;
20 (2) to provide a sinking fund for the payment of bonds issued
21 by the district; (3) to provide for the purchase and betterment
22 of school sites and the remodeling, erection, and equipment,
23 but not replacement, of buildings, new and old; (4) to provide
24 the necessary funds, premiums, contributions, and expenses in
25 connection with a retirement, annuity, insurance, or other benefit

1 plan adopted by the board of education for its present and future
2 employees after their retirement, or any reasonable classification
3 thereof; and (5) to provide for the support of schools, being the
4 running expenses and miscellaneous and all other expenses for such
5 year.

6 The estimate shall be accompanied by a budget statement
7 prepared in accordance with good accounting practices and showing
8 probable revenue from all sources, expenditures, and available
9 balances upon which such estimate was based. The estimate and the
10 budget statement may include such items as the board of education
11 deems necessary to maintain adequate working balances of cash at
12 all times and to take into account the expenses and delays in
13 the collection of taxes. The county board shall levy the rate of
14 tax necessary to provide the amounts so reported by the board of
15 education and collect such taxes in like manner as other taxes are
16 levied and collected.

17 Sec. 6. Section 79-1086, Revised Statutes Supplement,
18 2009, is amended to read:

19 79-1086 (1) The board of education of a Class V school
20 district that is not a member of a learning community shall
21 annually during the month of July estimate the amount of resources
22 likely to be received for school purposes, including the amounts
23 available from fines, licenses, and other sources. Before the
24 county board of equalization makes its levy each year, the board
25 of education shall report to the county clerk the rate of tax

1 deemed necessary to be levied upon the taxable value of all the
2 taxable property of the district subject to taxation during the
3 fiscal year next ensuing for (a) the support of the schools,
4 (b) the purchase of school sites, (c) the erection, alteration,
5 equipping, and furnishing of school buildings and additions to
6 school buildings, (d) the payment of interest upon all bonds issued
7 for school purposes, and (e) the creation of a sinking fund for
8 the payment of such indebtedness. The county board of equalization
9 shall levy the rate of tax so reported and demanded by the board of
10 education and collect the tax in the same manner as other taxes are
11 levied and collected.

12 (2) The school board of a Class V school district that
13 is a member of a learning community shall annually, on or before
14 September ~~20~~, 30, report in writing to the county board and the
15 learning community coordinating council the entire revenue raised
16 by taxation and all other sources and received by the school board
17 for the previous school fiscal year and a budget for the ensuing
18 school fiscal year broken down generally as follows: (a) The amount
19 of funds required for the support of the schools during the ensuing
20 school fiscal year; (b) the amount of funds required for the
21 purchase of school sites; (c) the amount of funds required for the
22 erection of school buildings; (d) the amount of funds required for
23 the payment of interest upon all bonds issued for school purposes;
24 and (e) the amount of funds required for the creation of a sinking
25 fund for the payment of such indebtedness. The secretary shall

1 publish, within ten days after the filing of such budget, a copy
2 of the fund summary pages of the budget one time at the legal
3 rate prescribed for the publication of legal notices in a legal
4 newspaper published in and of general circulation in such city
5 or village or, if none is published in such city or village, in
6 a legal newspaper of general circulation in the city or village.
7 The secretary of the school board failing or neglecting to comply
8 with this section shall be deemed guilty of a Class V misdemeanor
9 and, in the discretion of the court, the judgment of conviction
10 may provide for the removal from office of such secretary for such
11 failure or neglect.

12 Sec. 7. Original sections 23-909 and 79-1085, Reissue
13 Revised Statutes of Nebraska, sections 13-508, 79-1084, and
14 79-1086, Revised Statutes Supplement, 2009, and section 79-1023,
15 Revised Statutes Supplement, 2009, as amended by section 11,
16 Legislative Bill 5, One Hundred First Legislature, First Special
17 Session, 2009, are repealed.